

PROCEEDINGS OF THE STURGIS CITY COUNCIL

The Common Council of the City of Sturgis met in regular session starting at 6:30 p.m. on Monday, June 17, 2013 at the Erskine Building. Present: Mayor Mark Carstensen, Alderpersons, Jason Anderson, Mike Bachand, Branden Bestgen, David Hersrud, Marcia Johnston, Tim Potts, and Kelly Vasknetz and Ronald Waterland. Also present City Manager Daniel Ainslie and City Attorney Greg Barnier. Absent: None.

Mayor Mark Carstensen led everyone in the Pledge of Allegiance.

Motion by Bachand, second by Hersrud and carried with all members present voting yes to approve the agenda with the addition to the consent calendar of setting a public hearing for an On-Off Sale Restaurant Malt Beverage License and a Retail Wine License for Jambonz Grill & Pub-Sheree Schriver for July 1, 2013.

Announcements:

Councilor Waterland said that the 125th celebration held at the 2nd Street Plaza went very well this weekend and praised everyone for a job well done.

United Way will be having an ice cream social at the Library Thursday June 20th from 4:30 pm to 6:00 pm.

Informational Reports:

- Human Resource Coordinator Lisa Katzenstein gave a presentation on the Info Router. The software allows the public to review minutes, budgets, annual reports, Library pod casts and old pictures. You can access this portal on the City web site by clicking on the Archive button. This was a Council goal from 2009 to allow the public to have access to these records.

City Manager Ainslie reported:

- The 2013 budget is at 41.7% of the calendar year with General Fund at 33%, Special Sales Tax at 53%, Capital Improvements at 62%, Liquor at 26%, Water at 79%, Wastewater at 39%, Sanitation at 28% and Ambulance at 37%.

Motion by Waterland, second by Johnston and carried with all members present voting yes to approve the consent calendar.

Motion by Potts, second by Hersrud and carried with all members present voting yes to approve the following claims with the exception of General Fund-Johnston Hardware, \$258.29, supp; Water Fund-Johnston Hardware, \$47.81, supp; RCS Construction, \$183,266.13, cap imp; Mainline Contracting, \$241,218.45, cap imp:

Wages – Ambulance \$16,856.50; Attorney \$2884.62; Auditorium \$457.76; Buildings \$688.07; Cemetery \$2583.80; City Manager \$4259.66; Community Center \$9015.54; Finance Office \$8548.22; Fire Department \$1682.30; Human Resource \$2171.81; Library \$8822.72; Liquor \$4426.56; Mayor and Council \$3333.27; Parks \$13,212.58; Planning & Permitting \$3792.90; Police \$35,329.79; Rally \$3281.64; Recreation \$2975.45; Sanitary Service \$10,533.97; Streets \$9485.97; Wastewater \$5941.63; Water \$13,767.49; Federal Withholding \$15,087.74; FICA \$11,942.26.

Combined Cash Fund – First Interstate Bank, \$2000.00, ATM cash.

General – A&B Business, \$231.92, supp; A-1 Windshield Repair, \$35.00, repair; Laurie Adkins, \$60.00, prof fee; Animal Health International, \$25.64, supp; Elton Barden, \$280.00, prof fee; Bryan Beaulieu, \$160.00, prof fee; Beyond Basil, \$13,821.00, supp; BH Chemical, \$476.86,

supp; BH Power, \$33,010.89, util; BH Urgent Care, \$391.20, prof fee; Sean Briscoe, \$25.00, grp insur; Butte Electric, \$437.61, util; Campbell Supply, \$1283.37, supp; Caselle, \$527.99, prof fee; CBH Cooperative, \$14,003.92, supp; Century Business, \$130.00, prof fee; Chain Saw Center, \$198.29, repair; City of Sturgis Water Dept, \$2506.97, util; Coca Cola, \$1021.80, merch for resale; Dakota Ammo, \$4819.50, supp; Dakota Backup, \$1712.09, prof fee; Dakota Radiator, \$160.00, repair; Ecolab Pest, \$336.42, maint; Fastenal Co, \$90.72, repair; Fire Pro, \$65.95, equip; First Interstate Bank, \$5767.29, supp, repair; Foothills Seed, \$106.00, supp; Foremost Promotions, \$808.26, supp; Freeman Electric, \$665.46, repair; FSH Communications, \$60.00, util; G&H Distributing, \$84.62, repair; Glaser LLC, \$1441.00, supp; Glover Investments, \$600.00, rental-rally; Great Western Tire, \$2052.33, supp; Grimm's Pump Service, \$158.64, repair; Carolyn Harkins, \$180.50, prof fee; Hills Materials, \$1285.15, supp; Hillyard, \$652.40, supp; Hilt Construction, \$136.50, supp; Iverson Construction, \$77.00, rent; Jacobsen Ford, \$110.82, repair; Ashley Johnson, \$25.00, grp insur; Knecht Home Center of Spearfish, \$30.15, supp; Knology, \$488.41, util; Lynn Peavey Co, \$37.90, supp; Lynn's Dakotamart, \$232.51, supp; Marco Inc, \$23.67, repair; Meade Co Times, \$639.25, publ; MDU, \$3985.69, util; Motionsoft, \$450.00, prof fee; Neve's Uniforms, \$184.95, supp; Northwest Pipe Fittings, \$189.80, supp; O'Reilly Auto Parts, \$209.99, supp; Owens Interstate Sales, \$407.86, repair; Pete Lien & Sons, \$251.25, supp; Powerplan, \$407.93, repair; Print Mark-et, \$920.67, publ; Purchase Power, \$250.00, supp; Rasmussen Mechanical Services, \$162.00, repair; Republic Beverage Co, \$16,416.05, supp; Robert Sharp & Assoc, \$2546.25, publ-rally; Rockingtree Floral, \$503.65, other; Rushmore Office, \$489.68, supp; Scottsdale Insurance, \$1067.05, insur; Servall, \$549.64, supp; Shopko, \$171.84, supp; Sleep Inn, \$166.78, travel; Sturgis Napa, \$1250.00, supp; Sturgis Veterinary Hospital, \$530.00, prof fee; Sturgis Volunteer Fire Dept, \$180.00, travel; Summit Signs, \$675.00, equip; The Radar Shop, \$351.00, repair; Tom's T's, \$50.00, other; Town-N-Country Plumbing, \$168.91, repair; Vanway Trophy, \$196.75, other; Weimer's Diner, \$30.00, other; West Payment Center, \$121.18, prof fee; West River Electric, \$395.14, util; Woods, Fuller, Shultz & Smith, \$250.00, prof fee.

Capital Improvement – Brosz Engineering, \$3419.36, cap imp; Frontier Precision, \$105.50, cap imp; LPN Holdings, \$101.18, cap imp; Semmler Manufacturing, \$47,313.00, cap imp.

Liquor – BH Power, \$3085.55, util; BH Urgent Care, \$132.60, prof fee; Buffalo Chip Campground, \$129.00, publ; Cask & Cork, \$234.00, off sale liquor; City of Sturgis Water Dept, \$256.39, util; Coca Cola, \$704.60, pop for resale; Eagle Sales, \$31,124.62, off sale beer; Ecolab Pest, \$98.03, repair; Fisher Beverage, \$15,410.62, off sale beer; Johnson Western Wholesale, \$26,598.35, off sale liquor; MDU, \$28.91, util; Pepsi Cola, \$342.00, pop for resale; Prairie Berry, \$3265.25, off sale liquor; Print Mark-et, \$61.38, publ; Republic Beverage Co, \$25,669.62, off sale liquor; Rushmore Office, \$308.20, supp; Schade Vineyard, \$480.00, off sale liquor; Servall, \$195.56, supp; Tour Ice, \$358.75, merch for resale.

Water – A&B Business, \$343.64, supp; Bierschbach Equipment, \$575.00, supp; BH Power, \$2752.97, util; BH Urgent Care, \$48.00, prof fee; Boot Barn, \$119.97, supp; Butte Electric, \$1065.31, util; Campbell Supply, \$25.63, supp; Caselle, \$382.34, prof fee; CBH Cooperative, \$896.58, supp; Credit Collections Bureau, \$23.04, prof fee; Dakota Backup, \$233.47, prof fee; Ecolab Pest, \$58.30, prof fee; First Interstate Bank, \$82.50, supp; Gustafson Builders, \$1250.00, refund; Hawkins, \$2246.37, supp; HD Supply Waterworks, \$628.13, supp; Knology, \$34.49, util; Midcontinent Testing Lab, \$136.00, prof fee; MDU, \$459.09, repair; Pete Lien & Sons, \$217.00, supp; Print Mark-et, \$61.38, publ; Sacrison Paving, \$4502.81, repair; SD Denr, \$2200.00, prof fee; SD Federal Property, \$15.00, supp; Servall, \$17.48, repair; Shopko, \$85.45, supp; SD One Call, \$48.84, prof fee; Stan Houston Equipment, \$170.99, supp; Sturgis Napa, \$22.51, supp; Sturgis Water Dept Petty Cash, \$65.01, supp; USA Blue Book, \$264.91, supp; Adam Weisz, \$12.60, travel.

Wastewater – BH Urgent Care, \$66.30, prof fee; Campbell Supply, \$15.37, other; City of Sturgis Water Dept, \$24.09, util; Energy Lab, \$470.00, prof fee; Grimm's Pump Service, \$66.40, repair; Jenner Equipment, \$82.19, repair; LPN Holdings, \$612.38, repair; Lynn's Dakotamart, \$60.84,

supp; Owens Interstate Sales, \$89.50, repair; Print Mark-et, \$61.38, publ; Rushmore Office, \$3.99, supp; Sturgis Napa, \$145.14, repair.

Sanitary Service – BH Power, \$11.00, util; First Interstate Bank, \$75.03, travel; Great Western Tire, \$90.05, supp; Grimm's Pump Service, \$66.40, repair; O'Reilly Auto Parts, \$74.00, repair; Owens Interstate Sales, \$676.09, supp; Print Mark-et, \$61.50, publ; Rushmore Office, \$159.00, supp; Sanitation Products, \$326.93, supp; Sturgis Napa, \$366.96, repair; Robert Telkamp, \$102.90, repair.

Ambulance – CBH Cooperative, \$2663.82, supp; City of Sturgis Water Dept, \$102.21, util; First Interstate Bank, \$782.08, supp, travel; Holiday Inn, \$99.00, travel; Knology, \$101.29, util; Lynn's Dakotamart, \$60.80, supp; MDU, \$33.93, util; Print Mark-et, \$61.38, publ; Regional Health, \$111.03, supp; Regional Home Medical Equipment, \$1303.70, supp; Rushmore Office, \$246.48, supp; SDBMOE, \$375.00, travel; Shopko, \$11.80, supp; Spearfish Ambulance Service, \$90.00, travel; Sturgis Napa, \$98.80, supp.

Motion by Hersrud, second by Vasknetz and carried with Anderson, Bestgen, Bachand, Carstensen, Hersrud, Vasknetz, and Waterland voting yes, Johnston and Potts abstaining, to approve the following claims: General Fund-Johnston Hardware, \$258.29, supp; Water Fund-Johnston Hardware, \$47.81, supp; RCS Construction, \$183,266.13, cap imp; Mainline Contracting, \$241,218.45, cap imp.

Motion by Johnston, second by Vasknetz and carried with all members present voting yes to approve a Use on Review for Doug Hemenway for an impound yard at 3441 Whitewood Service Road.

Motion by Waterland, second by Anderson and carried with Anderson, Bachand, Bestgen, Carstensen, Hersrud, Johnston, Vasknetz, and Waterland voting yes, Potts abstaining to approve a Zoning Variance by SEDC using an alternate material for surfacing a lot.

Motion by Hersrud, second by Bachand and carried with all members present voting yes to approve an on-off sale Restaurant Malt Beverage License for Shanghai Garden at 1541 Lazelle Street.

Motion by Potts, second by Bachand and carried with all members present voting yes to approve the following payroll changes: Community Center Dept – Front Desk & Recreation – Jarrett Fowler - \$8.00; Temp Custodians – Victoria Greco - \$8.50; Diana Daniels, Yolanda Daniels, Jeremy Gutierrez, Vicky Heimer, Connor McCaskey, Patty Sanderson - \$8.75. Planning & Permitting Dept – Seasonal Receptionist – Katy VanDaele - \$8.00; Vendor Inspector – Stacy Ross - \$10.50. Ambulance Dept – Paramedic – Peter Ferguson - \$17.00; EMT-Basic – Dustin Barry - \$12.00. Rally Dept – Temp Rally Workers – Carlos Llorens Alicea, Luke Anderson, Krystal Christensen-Wiederrich, Kevin Culbertson, Kristine Hayes, Cherlyn Leach-Valades, Jennifer Parrow, Laura Swanson - \$8.00; Judy Parsons, Cynthia Scherer - \$8.25; Brandon Jones - \$8.50; Merna Bye, Dawn McCarthy, Leona Zastrow - \$8.75; Patty Barff, Phyllis Erfman - \$9.25; Julia Shyne - \$9.75. Police Dept – 2013 Special Officers & Other Rally Staff Wages. Fire Dept - Rally Firefighter wage - \$12.00; Wastewater – Superintendent – Mike Plaggemeyer – \$25.34; Wastewater Operator – Jacob Stumpf –transfer between departments – no change in wage.

Motion by Bachand, second by Hersrud and carried with all members present voting yes to approve the alternative Rally Info Booth Staffing Proposal (Armory only) with the Sturgis Police Reserves Cadet Program.

Motion by Hersrud, second by Johnston and carried with Anderson, Bestgen, Carstensen, Hersrud, Johnston, Potts, Vasknetz, and Waterland voting yes, Bachand voting nay to approve

setting a public hearing date of July 1, 2013 for a special events liquor license for the Knuckle Saloon at Lynn's County Market, 1111 Lazelle from August 3-10, 2013 during the rally.

Motion by Potts, second by Johnston and carried with all members present voting yes to approve setting a public hearing date of July 1, 2013 for a special events malt beverage license for Buffalo Bills Corp at the Sturgis Motorcycle Museum parking lot, 981 Main St, on August 3-9, 2013.

Potts introduced the following written resolution and moved its adoption:

**RESOLUTION 2013-28
TO APPROVE OR DENY A PUBLIC LOTTERY**

WHEREAS, the City of Sturgis has by Ordinances enacted by the City Council limited the use of public lotteries within the city to public purposes intended to provide for the benefit and safety of the members of the community, balanced with the purpose to encourage commerce and the development of a healthy and robust business and community atmosphere, and

WHEREAS, the National Multiple Sclerosis Society has submitted an application to conduct a public raffle within the City of Sturgis beginning on July 10, 2013 and continuing until July 25, 2013 at which time the lottery prizes will be awarded by a drawing at 7:00 pm at the Sturgis Wine Co, 1117 Main St, Sturgis, on July 25, 2013, and

WHEREAS, the National Multiple Sclerosis Society presented its application to conduct this lottery to the City Finance Office on June 6, 2013 and seeks to commence and seeks to begin to sell such raffle tickets on July 10, 2013, and

WHEREAS, the request of the National Multiple Sclerosis Society to have approval to conduct this lottery has met all the requirements of City Ordinance, all the requirements of state law and has met all the administrative requirements of the City Finance Office in submitting its application,

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Sturgis City Council that the application of the National Multiple Sclerosis Society to conduct a public lottery/raffle in the City of Sturgis is hereby

 X Approved, with lottery ticket sales to be conducted at the stated times forth above and as stated in the terms of the lottery application, for the reason that the expected public benefits intended to be accomplished by the Lottery ordinance are present.

 Denied, with no lottery sales to be permitted as requested, for the reason that the expected public benefits intended to be accomplished by the Lottery ordinance are not present.

RESOLVED, this 17th day of June, 2013.

Published: 06/26/2013

Effective: 07/16/2013

Anderson seconded the motion for the adoption of the foregoing resolution with Anderson, Bestgen, Carstensen, Hersrud, Johnston, Vasknetz, Potts, Waterland voting yes, Bachand voting nay, and the resolution was declared passed and adopted.

Bestgen introduced the following written resolution and moved its adoption:

RESOLUTION 2013-29

TO APPROVE OR DENY A PUBLIC LOTTERY

WHEREAS, the City of Sturgis has by Ordinances enacted by the City Council limited the use of public lotteries within the city to public purposes intended to provide for the benefit and safety of the members of the community, balanced with the purpose to encourage commerce and the development of a healthy and robust business and community atmosphere, and

WHEREAS, the Fill-A-Need Foundation Corp has submitted an application to conduct a public raffle within the City of Sturgis beginning on August 3, 2013 and continuing until November 15, 2013 at which time the lottery prizes will be awarded by a drawing at 10:00 pm at the Trump National Golf Club, on November 16, 2013, and

WHEREAS, the Fill-A-Need Foundation Corp presented its application to conduct this lottery to the City Finance Office on June 10, 2013 and seeks to commence and seeks to begin to sell such raffle tickets on August 3, 2013, and

WHEREAS, the request of the Fill-A-Need Foundation Corp to have approval to conduct this lottery has met all the requirements of City Ordinance, all the requirements of state law and has met all the administrative requirements of the City Finance Office in submitting its application,

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Sturgis City Council that the application of the Fill-A-Need Foundation Corp to conduct a public lottery/raffle in the City of Sturgis is hereby

 X Approved, with lottery ticket sales to be conducted at the stated times forth above and as stated in the terms of the lottery application, for the reason that the expected public benefits intended to be accomplished by the Lottery ordinance are present.

 Denied, with no lottery sales to be permitted as requested, for the reason that the expected public benefits intended to be accomplished by the Lottery ordinance are not present.

RESOLVED, this 17th day of June, 2013.

Published: 06/26/2013

Effective: 07/16/2013

Vasknetz seconded the motion for the adoption of the foregoing resolution Anderson, Bestgen, Carstensen, Potts, Vasknetz, Waterland voting yes, Bachand, Hersrud and Johnston voting nay, and the resolution was declared passed and adopted.

Motion by Waterland, second by Hersrud and carried with all members present voting yes to approve second reading of Ordinance 2013-07 Title 3 – Licensing & Regulation of Alcohol, Malt Beverage & Drinking Establishments – 3.02.16 Area Limited.

ORDINANCE 2013-07

AN ORDINANCE AMENDING TITLE 3– LICENSING AND REGULATION OF ALCOHOL, MALT BEVERAGES AND DRINKING ESTABLISHMENTS

BE IT ORDAINED by the Common Council of the City of Sturgis, Meade County, South Dakota that Title 3 -Chapters 3.02.16 – Area Limited – amended to read as follows:

3.02.16: AREA LIMITED.

The common council shall not approve any application for “on-sale” or “off-sale” license to sell any alcoholic beverages in the city at any place of business unless that place of business is located in an area described as a commercial area on the zoning use district map of the city. The common council may approve a waiver of this requirement by approving a temporary exemption for an off-sale license, or by approving an on-sale Special Event license, for a period not to exceed 15 days, as provided for in subsection 3.02.09 of this Ordinance.

Dated this 17th day of June, 2013.

First reading: 06-03-13

Second reading: 06-17-13

Adopted: 06-17-13

Published: 06-26-13

Effective: 07-18-13

Motion by Bestgen, second by Waterland and carried with , Anderson, Bestgen, Bachand, Carstensen, Hersrud, Johnston, Vasknetz, and Waterland voting yes, Potts voting nay, to approve second reading of Ordinance 2013-08 Title 37 – City Transit – 37.01.01 Purpose, 37.02.05 Application, 37.02.09 License to be Displayed on Vehicle, 37.02.10 Minimum Limits of Insurance Coverage, 37.02.13 Driver’s Licenses Required.

ORDINANCE 2013-08
AN ORDINANCE AMENDING TITLE 37– CITY TRANSIT

BE IT ORDAINED by the Common Council of the City of Sturgis, Meade County, South Dakota that Title 37 -Chapters 37.01.01 Purpose; 37.02.05 Application; 37.02.09 License to be Displayed on Vehicle; 37.02.10 Minimum limits on Insurance Coverage; 37.02.13 Driver’s License required amended to read as follows:

37.01.01 PURPOSE

The purpose of this ordinance is to allow the City to provide a limited framework of regulations to ensure that transit operators accepting fares for services originating within the City are providing an acceptable level of safe and affordable service that will meet transit needs of the community.

37.02.05 APPLICATION

Every person desiring to obtain a Transit Business license to operate a taxicab or transit business in the city shall make application in writing to the Finance Office in the general form required to obtain all information necessary for consideration for the issuance of a Transit Operation license, which shall include the following additional information:

- A. Previous experience in the business, if the applicant has not been licensed before; and
- B. Number and description of the type of vehicles to be operated.
- C. The names, dates of birth and other relevant identifying information of all employees, drivers, and contractors associated in any manner with providing the service for fares originating within the City of Sturgis.

D. Documentation for each vehicle proposed to be licensed verifying that it has been inspected and that on the date of application that vehicle meets all applicable laws of the state concerning equipment, lights, tires and all other safety-related equipment.

E. Documentation that each vehicle sought to be licensed is covered by financially responsible carrier for commercial auto liability coverage of at least \$100,000 per person and \$300,000 per occurrence, together with property damage coverage of at least \$50,000.

F. Make a sworn statement giving full name, residence, length of time applicant has resided in applicant's current residence, previous employment history, whether applicant has ever been convicted of a felony or a misdemeanor, and whether applicant has been previously licensed as a driver, and if so, where and when, and whether applicant's license has ever been revoked, and for what cause.

G. Provide the name and Driver's license number of each driver/operator of the vehicles to be operated under the authority of the license requested, and verify that such driver/operator will meet the following requirements:

- (1) Be of the age of 18 years or over.
- (2) Have good eyesight, and not subject to any physical or mental condition which would impair the driver's ability to operate safely a vehicle for hire.
- (3) Be able to read and write the English language.
- (4) Provide a sworn statement from each driver and actual operator giving his full name, residence, length of time employed by the applicant, current residence, place of previous employment, whether the operator has ever been convicted of a felony, and whether the operator has been previously licensed as a driver, and if so, when and in what states, and whether his license has ever been suspended or revoked, and if so for what reason.
- (5) For each driver or operator to be employed, the applicant for a Transit Operation license under this article shall provide a fingerprint record of the driver in a format approved by the Sturgis Police Department.

37.02.09 LICENSE TO BE DISPLAYED ON VEHICLE.

Every operator of any taxicab licensed under this article shall carry on each vehicle, on the rear window in the lower left hand corner of same and in a clearly visible area, a decal issued by the City Finance Office.

37.02.10 MINIMUM LIMITS OF INSURANCE COVERAGE

A. The liability insurance required by this ordinance shall require the applicant to provide a policy declaration sheet from a financially responsible carrier, showing that at least the following coverage is in place for one year:

1. Commercial Auto liability coverage on each vehicle licensed by the City of at least \$100,000 per person and \$300,000 per occurrence, together with property damage coverage of at least \$50,000.
2. The policy declaration sheet or certificate shall provide that it cannot be modified or cancelled without 30 days actual notice to the licensing staff in the City Finance Office. The limits established in this subsection can be provided on one policy or **on a** base policy in combination with excess limits policy in a manner and combination acceptable to the city.

B. Such coverage shall be continuing, notwithstanding any recovery or settlement under that policy.

37.02.13 DRIVER'S LICENSES REQUIRED

No person shall drive, or be engaged or employed in the business of driving or operating, upon the streets of the city, any transit vehicle without having in their possession a valid South Dakota driver's license, or a driver's license recognized as valid under South Dakota law.

Dated this 17th day of June, 2013.

First reading: 06-03-13

Second reading: 06-17-13

Adopted: 06-17-13

Published: 06-26-13

Effective: 07-18-13

Motion by Bestgen, second by Waterland and carried with all members present voting yes to approve tabling second reading of Ordinance 2013-09 Title 11 – Health & Sanitation – 11.05.31 Sewer Use Charges.

Motion by Waterland, second by Bestgen and carried with all members present voting yes to approve second reading of Ordinance 2013-10 Title 31 – Licensing of Temporary Businesses – 31.02.01 Sales & Marketing Within the Right of Way, 31.02.02 Peddling in Parks.

ORDINANCE 2013-10
AN ORDINANCE AMENDING TITLE 31– LICENSING OF TEMPORARY
BUSINESSES

BE IT ORDAINED by the Common Council of the City of Sturgis, Meade County, South Dakota that Title 31–Chapters 31.02.01 Sales and Marketing within the Right of Way; 31.02.02 Peddling in Parks is amended to read as follows:

31.02.01: SALES AND MARKETING WITHIN THE RIGHT OF WAY

No person may display, market, offer in exchange for donation or sale, or sell any goods, services or merchandise in person or from a cart, wagon, automobile, truck or other vehicle in the streets, thoroughfares, or while within any other public Right of Way, of the City. This Section does not apply to the delivery of farm or garden products, where the order for same has been placed in advance, nor does it apply to drayage or the delivery of goods sold in the regular course of an established business. Nothing in this paragraph shall prohibit the City from entering into a contract for the sale of ice cream and sundries for immediate conditions agreed to by the Common Council, or prohibit the City Council from adopting a resolution to allow the display or sale of lottery tickets or other goods or services in the Public Right of Way for the direct benefit of a non-profit organization or group, as defined in Title 25.02.02 of Sturgis City Ordinances. Any qualifying organization or group as defined in Title 25.02.02 must submit an application, consistent with the requirements of Title 25.02.11, to the Finance Office at least 90 days prior to the proposed starting date for such display or sale. The City Council may adopt such an authorizing resolution for a non-profit organization only for qualified display or sale activities which occur during an Event lasting more than four (4) days within a twelve (12) day time period.

For an event to be located within the Downtown Business Improvement District, the City Council may authorize such use of public Right of Way located within the Downtown Business Improvement District by a vote of the majority of the Council. For an event lasting not more than four days located outside the Downtown Business Improvement District, the City Council may

authorize such use of designated public Right of Way, after notice and public hearing, by the adoption of a Resolution by a majority of the City Council approving such use.

31.02.02: PEDDLING IN PARKS

It shall be unlawful for any peddler or other person excepting a person occupying a portion of the park under a valid concession agreement to sell or offer to sell, to any person within any municipal park of the City, any goods, wares, merchandise, books, pictures, novelties, souvenirs or trinkets or any other article of commerce and trade, including goods of his own production or manufacture. This provision shall not include sales by the City or any organization having an approved lease agreement with the City.

Dated this 17th day of June, 2013.

First reading: 06-03-13

Second reading: 06-17-13

Adopted: 06-17-13

Published: 06-26-13

Effective: 07-18-13

Motion by Potts, second by Johnston and carried with all members present voting yes to approve the Request for Use of City Property from Legion Baseball for "Dining on the Diamond" on 7-11-13 from 5pm to 9pm contingent that the City receives their Certificate of Insurance.

Motion by Hersrud, second by Johnston and carried with all members present voting yes to approve the Request for Use of City Property from Dakota Endurance for "BH 100-Tatanka 100" on June 29-30, 2013 from 5am to 2pm.

Motion by Johnston, second by Hersrud and carried with all members present voting yes to approve the professional service agreement with Robert Sharp & Associates for a 2013 Rally Demographic study survey.

Motion by Bestgen, second by Johnston and carried with all members present voting yes to approve the professional service agreement with Properties Unlimited for listing city lots at Exit 32.

Motion by Bachand, second by Waterland and carried with all members present voting yes to approve a City contribution, not to exceed \$3000, to come out of General Fund contingency to Black Hills Trails to develop a trail starting at the Lions Park.

Motion by Potts, second by Bestgen and carried with all members present voting yes to amend the previous motion to increase the contribution by \$300 for general liability insurance if they cannot get the insurance from the Chamber of Commerce. They are to work with Parks Director Stock in creating the trail location. The City will enter into an agreement with Black Hills Trails explaining what will take place with this project and give the City Manager authority to sign this agreement.

Motion by Waterland, second by Vasknetz and carried with all members present voting yes to approve the Use of City Property for Jackpine Gypsies for the July 4th Celebration from 9am to 10pm contingent that we receive a Certificate of Insurance 3 days prior to the event and allow the Volunteer Fire Department to display Fireworks that evening.

Motion by Potts, second by Johnston and carried with all members present voting yes to approve the Use of City Property from Swoop Productions for the "Swoop Motorsports Mayhem Show" on August 8, 2013 from 5:30pm to 6:30 pm.

Any other business:

Councilor Potts asked that the Ordinance Committee look at the fine policy for vendors that fail to get a vendor license.

Councilor Bestgen asked that staff include on the informational report if it is overtime or regular time for the employees when they are working on the special events, and is this cost coming out of the budget.

Councilor Waterland said he has had heard some concerns on the Harmon Street drainage area and could the staff report back on this.

Motion by Johnston second by Hersrud and carried with all members present voting yes to go into executive session for contract matters at 8:46 pm.

Motion by Waterland, second by Johnston and carried with all members present voting yes to return to regular session at 10:21 pm and adjourn the meeting.

ATTEST: _____
Fay Bueno, Finance Officer

APPROVED _____
Mark Carstensen, Mayor

Published once at the total approximate cost of \$